

MEMO TO: Jocelyn Boyd

FROM: Len S. Anthony, Progress Energy Carolinas, Inc.

RE: Revision of PSC Rules

DATE: November 26, 2004

Set forth below are Progress Energy Carolinas, Inc.'s suggested revisions to the Commission's Rules as result of the recently enacted PSC Restructuring Bill:

- 1) Rule 103-800: the effective date should be changed to January 1, 2005.
- 2) Rule 103-804(X): it does not appear that the Commission can issue data requests to utilities any more, so this Rule may need to be deleted.
- 3) Rule 103-811: under the new law, the Utility Review Committee screens and selects PSC candidates. So, references to the Merit Panel need to be deleted and the Review Committee inserted in its place.
- 4) Rule 103-813: This Rule needs to be revised to reflect the Commission's new organization following the passage of the Restructuring Bill.
- 5) Rule 103-814: it appears that many of the duties of the Office of General Counsel have been transferred to the Office of Regulatory Staff. In fact this office may no longer exist. At a minimum, subsections A&B should be deleted.
- 6) Rule 103-817: Need to update the Commission's street address.
- 7) Rule 103-820: Should this Rule be deleted or revised given that the Office of Regulatory Staff has the power to settle disputes informally?
- 8) Rule 103-853: Similar to the comment on Rule 103-804(X), should this Rule be deleted because the Commission can no longer make data requests to utilities?
- 9) Rule 103-866: This Rule lists the Commission Staff as a party filing testimony, that should be changed to the Office of Regulatory Staff.
- 10) Rule 103-867: This Rule sets forth the standards of conduct for parties appearing before the Commission. The new statute, in particular Section 58-3-225, establishes the standard now, so should this Rule be deleted.
- 11) Rule 103-869: This Rule references the Commission Staff prefiling testimony. The reference should probably be to the Office of Regulatory Staff prefiling testimony.
- 12) Rule 103-886: It says upon the request of the Commission Staff, the reference should be changed to the Office of Regulatory Staff.
- 13) Rule 103-300: The effective date should be changed to January 1, 2005.
- 14) Rule 103-338: There is a typo in this Rule. The rule referenced in this Rule should be Rule 103-332, not Rule 103-132.
- 15) Rule 103-352: This Rule, regarding termination of service, part a.4, says the utility must advise the customer that the Commission Staff can help resolve the matter, the reference should probably be to the Office of Regulatory Staff.
- 16) Finally, all references to the "Executive Director" in the Commission's Rules should be changed to the "Chief Clerk".